

December 6, 2018

Robert M. Gibbens, D.V.M.
 Director, Animal Welfare Operations
 USDA-APHIS-Animal Care

Via e-mail: robert.m.gibbens@usda.gov; acwest@aphis.usda.gov

Re: Request for Nonrenewal of Laughing Valley Ranch's Animal Welfare Act License (License No. 84-C-0088)

Dear Dr. Gibbens,

On behalf of People for the Ethical Treatment of Animals (PETA) and its more than 6.5 million members and supporters, I am writing to request that the U.S. Department of Agriculture (USDA) deny the renewal of Animal Welfare Act (AWA) exhibitor license number 84-C-0088 issued to William B. Lee III, doing business as "Laughing Valley Ranch."

The USDA cannot lawfully renew Laughing Valley Ranch's license, which is set to expire on December 20, 2018. The AWA states unequivocally that no AWA license "shall be issued until the dealer or exhibitor shall have *demonstrated* that his facilities comply with" AWA standards. 7 U.S.C. § 2133 (emphasis added). Renewal applicants are required to certify that "to the best of the applicant's knowledge and belief, he or she is in compliance with the regulations and standards" of the AWA. 9 C.F.R. § 2.2(b). This self-certification requirement is not intended as an "alternative means of ascertaining compliance" with the AWA. Animal Welfare: Licensing and Records, 60 Fed. Reg. 13893, 13894 (Mar. 15, 1995). Rather, renewal applicants are also required to make their "animals, premises, facilities, vehicles, equipment, other premises, and records available for inspection" for purposes of allowing the USDA to "ascertain the applicant's compliance" with the AWA. 9 C.F.R. § 2.3(a). The USDA cannot rely on an applicant's self-certification of compliance when the agency knows that self-certification is false. *Animal Legal Defense Fund, Inc. v. Perdue*, 872 F.3d 602, 619-20 (D.C. Cir. 2017).

Regardless of what Laughing Valley Ranch certifies, the facility has not demonstrated compliance with AWA standards. During the only inspection conducted at the facility this year, the USDA cited Laughing Valley Ranch for five violations of the AWA, including:

- A repeat citation for failing to provide adequate veterinary care to several animals, including multiple alpacas with overgrown hooves that "were curling in a sideways direction," a sheep in poor body condition with protruding hip bones, and a sheep with a matted coat. Ex. 1 (March 1, 2018 USDA Inspection Report).

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- A citation for not having the necessary acquisition and disposition records. *Id.*
- A repeat citation for inadequate facilities, including enclosures with protruding nail heads, a broken chain-link fence, and protruding metal wires, all of which put animals at risk of injury. *Id.*
- A citation for unsanitary conditions because an enclosure containing six alpacas, two llamas, and one sheep had feces buildup. *Id.*
- A repeat citation for inadequate shelter for a juvenile cow, who was held in a shelter with only a damaged tarp as a “roof.” *Id.*

All of these citations are for chronic issues for which Laughing Valley Ranch has been cited repeatedly since at least 2011. *See* Ex. 2 (2011-2017 USDA Inspection Reports) (detailing years of citations for failing to provide adequate veterinary care, lack of adequate shelter, inadequate facilities, unsanitary conditions, and not having records). In 2013, the USDA filed a complaint against Mr. Lee for over one hundred (100) alleged violations of the AWA. Ex. 3 (USDA Complaint, Dkt. No. 14-0021). These violations included failure to provide the USDA inspectors access to the facility, failure to keep the facilities in good repair, and failure to provide adequate veterinary care—all of which are issues that the USDA has repeatedly cited for in the past two years. *Id.*; *see also* Ex. 2, pgs. 1-9. It has been almost five years since the USDA filed this complaint, and yet it is still pending and has not been resolved. In the meantime, the Laughing Valley Ranch continues to blatantly violate the AWA with no apparent consequences.

When an exhibitor’s self-certification of compliance with the AWA is inconsistent with the record before the agency, it is arbitrary and capricious for the USDA to rely on that certification for demonstrating that the facility complies with AWA standards—a requirement for issuing a license. *Perdue*, 872 F.3d at 610. Because the USDA cannot rely on the exhibitor’s self-certification of compliance, and because the evidence shows the facility routinely fails to comply with AWA standards, the USDA must not renew Laughing Valley Ranch’s license.

If the USDA unlawfully renews the license held by Laughing Valley Ranch, the animals confined there will continue to suffer in violation of the AWA. Thank you for your attention to this important matter.

Very truly yours,



Michelle Sinnott
Counsel, Captive Animal Law Enforcement

